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## NOTICE OF ALLOWANCE AND FEE(S) DUE

26703 7590 12/01/2009

HARNESS, DICKEY & PIERCE P.L.C.  
5445 CORPORATE DRIVE  
SUITE 200  
TROY, MI 48098

EXAMINER

LEVELLE, JASON C

ART UNIT

PAPER NUMBER

2463

DATE MAILED: 12/01/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/658,666

09/09/2003

Francis Campana

MP0297

1999

TITLE OF INVENTION: METHODS AND APPARATUS FOR BREAKING AND RESYNCHRONIZING A DATA LINK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/01/2010

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

26703 7590 12/01/2009

**HARNESS, DICKEY & PIERCE P.L.C.**  
5445 CORPORATE DRIVE  
SUITE 200  
TROY, MI 48098

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/658,666 09/09/2003 Francis Campana MP0297 1999

**TITLE OF INVENTION: METHODS AND APPARATUS FOR BREAKING AND RESYNCHRONIZING A DATA LINK**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1510 \$300 \$0 \$1810 03/01/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
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LEVELLE, JASON C 2463 370-252000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

**NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date \_\_\_\_\_

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Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

LEVELLE, JASON C

ART UNIT

PAPER NUMBER

2463

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## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1642 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1642 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/658,666	CAMPANA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JASON LEVELLE	2463	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/29/2009.
2. ☒ The allowed claim(s) is/are 1-3, 5-7, 9-15, 17-21, 23-25, 27-29, 31-37, 39-43, 45-51, 53-59, 61-65 and 67-68 (renumbered 1-56 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.   |

/Derrick W Ferris/  
Supervisory Patent Examiner, Art Unit 2463

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone conversation with Jeffrey J. Chapp on November 17, 2009.

The application has been amended **IN THE CLAIMS** as follows:

**Claims 8, 16, 22, 30, 38, 44, 52, 60, and 66** are cancelled.

**Claim 1** is amended to read:

A resynchronization device for a network device, said network device including a transmitter and a receiver, said resynchronization device comprising:

a detector that detects faulty code groups received by said receiver;

a counter that counts said faulty code groups that are detected during a predetermined period; and

a resynchronization trigger that asserts a resynchronization signal if said counter exceeds a predetermined threshold greater than 1 during said predetermined period,

wherein:

said faulty code groups include idle code groups that match idle code groups generated by said transmitter of said network device; and  
said resynchronization trigger counts a number of times that said resynchronization signal is asserted without bringing down a link.

**Claim 9** is amended to depend on claim 1 instead of claim 8.

**Claim 10** is amended to depend on claim 1 instead of claim 4.

**Claim 11** is amended to read:

A false carrier resynchronization device for a network device, said network device including a transmitter and a receiver, said false carrier resynchronization device comprising:

a false carrier detector that detects false carriers received by said receiver;  
a counter that counts said false carriers that are detected by said false carrier detector during a predetermined period; and  
a resynchronization trigger that asserts a resynchronization signal if said counter exceeds a predetermined threshold during said predetermined period,  
wherein said resynchronization trigger counts a number of times that said resynchronization signal is asserted without bringing down the link.

**Claim 17** is amended to read:

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A descrambler resynchronization device for a network device, said network device including a transmitter and a receiver, said descrambler resynchronization device comprising:

a descrambler detector that detects idle code groups that match idle code groups generated by said transmitter of said network device;

a counter that counts said matching idle code groups that are detected by said descrambler detector during a predetermined period; and

a resynchronization trigger that asserts a resynchronization signal if said counter exceeds a predetermined threshold during said predetermined period,

wherein said resynchronization trigger counts a number of times that said resynchronization signal is asserted without bringing down the link.

**Claim 23** is amended to read:

A resynchronization device for a network device, said network device including a transmitter and a receiver, said resynchronization device comprising:

detecting means for detecting faulty code groups received by said receiver;

counting means for counting said faulty code groups that are detected during a predetermined period; and

trigger means for asserting a resynchronization signal if said counting means exceeds a predetermined threshold greater than 1 during said predetermined period,

wherein;

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said faulty code groups include idle code groups that match idle code groups generated by said transmitter of said network device; and

said trigger means counts a number of times that said resynchronization signal is asserted without bringing down a link.

**Claim 31** is amended to depend on claim 23 instead of claim 30.

**Claim 32** is amended to depend on claim 23 instead of claim 26.

**Claim 33** is amended to read:

A false carrier resynchronization device for network device, said network device including a transmitter and a receiver, said false carrier resynchronization comprising:

false carrier detecting means for detecting false carriers received by said receiver;

counting means for counting said false carriers that are detected by said false carrier detecting means during a predetermined period; and

trigger means for asserting a resynchronization signal if said counting means exceeds a predetermined threshold during said predetermined period,

wherein said trigger means counts a number of times that said resynchronization signal is asserted without bringing down the link.

**Claim 39** is amended to read:



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A descrambler resynchronization device for network device, said network device including a transmitter and a receiver, said resynchronization device comprising:

descrambler detecting means for detecting idle code groups that match idle code groups generated by said transmitter of said network device;

counting means for counting said matching idle code groups that are detected by said descrambler detecting means during a predetermined period; and

trigger means for asserting a resynchronization signal if said counting means exceeds a predetermined threshold during said predetermined period,

wherein said trigger means asserts said resynchronization signal a predetermined number of times without bringing down the link.

**Claim 45** is amended to read:

A method for resynchronizing a network device, said network device including a transmitter and a receiver, said method comprising:

detecting faulty code groups received by said receiver;

counting said faulty code groups that are detected during a predetermined period;

asserting a resynchronization signal if said count exceeds a predetermined threshold greater than 1 during said predetermined period; and

counting a number of times that said resynchronization signal is asserted without bringing down the link,

wherein said faulty code groups include idle code groups that match idle code groups generated by said transmitter of said network device.

**Claim 53** is amended to depend on claim 45 instead of claim 52.

**Claim 54** is amended to depend on claim 45 instead of claim 48.

**Claim 55** is amended to read:

A method for providing false carrier resynchronization in a network device, said network device including a transmitter and a receiver, said method comprising:

detecting false carriers received by said receiver;  
counting said false carriers that are detected during a predetermined period;  
asserting a resynchronization signal if said count exceeds a predetermined threshold during said predetermined period; and  
counting a number of times that said resynchronization signal is asserted without bringing down the link.

**Claim 61** is amended to read:

A method for providing descrambler resynchronization in a network device, said network device including a transmitter and a receiver, said method comprising:

detecting idle code groups that match idle code groups generated by said transmitter of said network device;

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counting said matching idle code groups that are detected during a predetermined period;

asserting a resynchronization signal if said count exceeds a predetermined threshold during said predetermined period; and

counting a number of times that said resynchronization signal is asserted without bringing down the link.

### ***Allowable Subject Matter***

2. Claims 1-3, 5-7, 9-15, 17-21, 23-25, 27-29, 31-37, 39-43, 45-51, 53-59, 61-65 and 67-68 (renumbered 1-56 respectively) are allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON LEVELLE whose telephone number is (571)270-5618. The examiner can normally be reached on Monday-Thursday, 8:30-5:00, est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. L./

Examiner, Art Unit 2463

/Derrick W Ferris/

Supervisory Patent Examiner, Art Unit 2463